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EEOC and Elias Mendoza v. Zappala Farms, LLC and James Zappala

Judge Neal P. McCurn

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EEOC and Elias Mendoza v. Zappala Farms, LLC and James Zappala

Keywords

EEOC, Elias Mendoza, Zappala Famrs LLC, James Zappala, 5:02-CV-1220, Disparate Treatment, Retaliation, Compensation, Termination, Limbs Partly Missing, Agriculture, Employment Law, ADAAA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

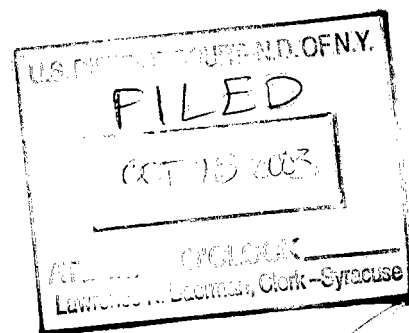
ELIAS MENDOZA,

Plaintiff-Intervenor,

v.

ZAPPALA FARMS, LLC and
JAMES ZAPPALA,

Defendants.



Civil Action No. 5:02 -CV- 1220
(NPM) (GJD)

CONSENT DECREE

This cause of action was initiated on September 25, 2002, by the Equal Employment Opportunity Commission (hereinafter "EEOC"), an agency of the United States Government, alleging that Defendant Zappala Farms, LLC (hereinafter "Zappala Farms") violated Title I of the Americans with Disabilities Act of 1990 ("ADA") and Title I of the Civil Rights Act of 1991 by engaging in discrimination against Mr. Elias Mendoza because of his disability, a severed hand, when it decreased his pay and when it terminated his employment. EEOC also alleges that Defendant violated the ADA when it retaliated against Mr. Mendoza by terminating his employment in response to his refusal to sign a revised Work Agreement reflecting the pay decrease.

The parties agree that it is in their mutual interest to fully resolve the matter without further litigation.

EEOC and Zappala Farms do hereby stipulate and consent to the entry of this Decree as final and binding between the parties signatory hereto and their successors or assigns.

This Decree resolves all matters raised in the Complaint filed herein. The parties have agreed that this Decree may be entered without Findings of Fact and Conclusions of Law having been made and entered by the Court.

In consideration of the mutual promises of each party to this Decree, the sufficiency of which is hereby acknowledged, it is agreed and IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. This Decree resolves all of the issues raised by EEOC Charge Number 160-A1-2404 and the EEOC Complaint in this case.
2. The parties agree that this Court has jurisdiction of the subject matter of this action and of the parties, that venue is proper, and that all administrative prerequisites have been met.
3. No party shall contest the jurisdiction of the federal court to enforce this Decree and its terms or the right of any party to bring an enforcement suit upon breach of any of the terms of this Decree by any other party. Breach of any term of this Decree should be deemed to be a substantive breach of this Decree. Nothing in this Decree shall be construed to preclude EEOC from bringing proceedings to enforce this Decree in the event that Zappala Farms fails to perform any of the promises and representations contained herein.
4. Zappala Farms will provide anti-discrimination training, including issues of disability discrimination, for its supervisors, managers and employees as outlined below. Training and written materials shall be provided by Zappala Farms in both English and Spanish.

A. Zappala Farms will provide no fewer than four (4) hours of anti-discrimination training each year for all supervisors and managers, to be conducted by Treble Associates. These trainings shall be conducted once a year for the duration of the Decree. The first yearly training session for supervisors and managers took place on August 15, 2003. Additional yearly trainings shall take place during 2004 and 2005. Within ten (10) days of the training, Zappala Farms shall provide a letter to EEOC documenting the date and time of the training, a summary of the topics covered and a copy of the attendance sheet with the names and signatures of all individuals who attended the training. Within three (3) weeks of hire or promotion, all new supervisors and managers who have missed the yearly training shall be trained individually by Treble Associates. Within four (4) weeks of hire or promotion, Zappala Farms will inform EEOC by letter that an individual has become a manager or supervisor and will document the anti-discrimination training provided to that individual.

B. Zappala Farms will provide anti-discrimination training for all of its employees conducted by Treble Associates. These trainings shall be provided twice a year, each session for a minimum of one hour. The first of these trainings took place on August 15, 2003. Following each session, within ten (10) days of the training, Zappala Farms shall provide a letter to EEOC documenting the date and time of the training, a summary of the topics covered and a copy of the attendance sheet with the names and signatures of all individuals who attended the training. The additional training sessions shall take place during April, 2004, July, 2004, April, 2005, July, 2005 and April, 2006.

C. Within three (3) days of hire, Zappala Farms will provide employees who are unable to attend the training sessions referenced above with its written anti-discrimination policy and

procedures and train them regarding these policies and procedures. A Zappala Farms supervisor or manager will spend a minimum of fifteen minutes reviewing the anti-discrimination policy and procedures with the new employee and document this meeting for the individual's personnel file. The forms to document this procedure are attached as Exhibit A-1(English) and A-2 (Spanish).

5. Within five (5) days of the entry of this Decree, Zappala Farms will post the Notices of Non-Discrimination attached as Exhibit B-1(English) and B-2 (Spanish) at Zappala Farms. The Notices will be posted in the Zappala Farms Office, near the two time clocks in its cafeteria and at its three sites of camp housing.

6. Zappala Farms will maintain the Anti-Discrimination and Anti-Harassment Policy attached as Exhibit C-1(English) and C-2 (Spanish).

7. Zappala Farms commits \$20,000 to resolving this matter. Within ten (10) days of the entry of this Decree, Zappala Farms agrees to pay \$13,000 in compensatory damages to Elias Mendoza by mailing a check to his counsel at Farmworker Legal Services, Inc. Defendant will issue a 1099 tax form to Mr. Mendoza. Within five (5) days of receipt of the check endorsed by Mr. Mendoza, Zappala Farms agrees to forward EEOC a copy of this check. Within ten (10) days of the entry of this Decree, Defendant shall pay \$4,000 to the Farmworker Legal Services of New York, Inc. as attorney's fees. Zappala Farms will also spend a minimum of \$3,000 for providing anti-discrimination training as outlined above in paragraph four (4).

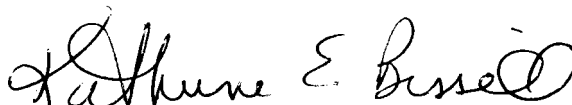
8. Zappala Farms and its agents agree not to discriminate against any individual because of her or his disability under the ADA or any other basis under Title VII (race, color, religion, sex or national origin), the Equal Pay Act (sex based wage discrimination) or the Age Discrimination in Employment Act.

9. Zappala Farms and its agents agree not to retaliate against any individual for asserting her or his rights under the ADA or other federal employment discrimination laws listed in paragraph eight (8). Zappala Farms and its agents further agree not to retaliate against any individual who has participated in this matter or asserted her or his rights under the ADA or other federal employment discrimination laws listed in paragraph eight (8).

10. Except as outlined in this Decree, each party shall bear its own attorney fees and costs incurred in this action.

11. This Decree constitutes the complete understanding among the parties. No other promises or agreement shall be binding unless agreed to in writing and signed by these parties.

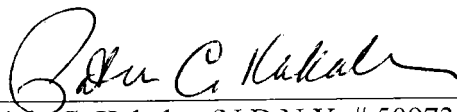
12. This Decree will remain in effect for three (3) years from the date of entry.



Katherine Bissell (NDNY ID # 104755)
Regional Attorney
For Plaintiff US EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
33 Whitehall Street, 5th Floor
New York, New York 10004
Phone 212-336-3706
Fax 212-336-3623

Dated:

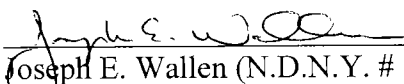
10/1/03
New York, New York



Patricia C. Kakalec (N.D.N.Y. # 509731)
For Plaintiff-Intervenor Elias Mendoza
FARMWORKER LEGAL SERVICES OF NEW
YORK, INC.
52 S. Manheim Blvd.
New Paltz, New York 12561
Phone 845- 255-1884
Fax 845-255-3629

Dated:

October 8, 2003
New Paltz, New York



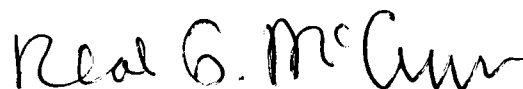
Joseph E. Wallen (N.D.N.Y. # 102779)
For Defendant Zappala Farms
Amdursky, Pelky, Fennell & Wallen, P.C.
Attorneys at Law
26 East Oneida Street
Oswego, New York 13126-2695
Phone 315-343-6363
Fax 315-343-0134

Dated:

October 6, 2003
Oswego, New York

SO ORDERED, ADJUDGED, AND DECREED

Signed this 15th day of October, 2003



Judge Neal P. McCurn

EXHIBIT A - 1

**DOCUMENTATION OF DISTRIBUTION AND REVIEW OF
ZAPPALA FARMS' ANTI-DISCRIMINATION POLICY & PROCEDURES**

Zappala Farms employee _____ was unable to attend the group training session regarding Zappala Farms' anti-discrimination policies and procedures held at Zappala Farms. As such, supervisor or manager _____ met with him/her on _____ from _____ to _____ to review and distribute a written copy of Zappala's anti-discrimination policies and procedures.

Dated _____

Print name of Employee _____

Signature of Employee _____

Print name of Supervisor or Manager _____

Signature of Supervisor or Manager _____

EXHIBIT A-2

**DOCUMENTACIÓN DE LA DISTRIBUCIÓN Y EXAMEN DE LA POLÍTICA Y
LOS PROCEDIMIENTOS DE LA CONTRA-DISCRIMINACIÓN
DE LAS GRANJAS DE ZAPPALA**

_____, empleado de las Granjas de Zappala no pudo atender la sesión del entrenamiento del grupo con respecto a las políticas y los procedimientos de la contra-discriminación de las Granjas de Zappala llevado a cabo en las Granjas de Zappala. Como tal, _____, supervisor o encargado, se juntó con el/ ella en _____ desde _____ a _____ para examinar y distribuir una copia escrita de las políticas y los procedimientos de la contra-discriminación de Zappala.

Fecha _____

Nombre de la impresión del empleado _____

Firma del empleado _____

Nombre del la impresión del supervisor o del encargado _____

Firma del supervisor o del encargado _____



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

EXHIBIT B-1

NOTICE TO EMPLOYEES OF ZAPPALA FARMS, LLC

This Notice is being posted pursuant to a Consent Decree entered in resolution of a lawsuit brought by the U.S. Equal Employment Opportunity Commission ("EEOC") against Zappala Farms in September 2002 in federal court in the Northern District of New York. In its lawsuit, EEOC alleged that Zappala Farms discriminated against an employee, Elias Mendoza, because of his disability, a severed hand, when it decreased his pay and when it terminated him.

Federal laws prohibits employers from discriminating against applicants and employees based on an employee's disability, race, color, religion, sex, national origin or age.

Zappala Farms agrees that neither it nor its managers, officers, or agents will discriminate against any individual because of the individual's disability or other protected basis under federal employment discrimination laws including under Title VII (race, color, religion, sex or national origin), the Equal Pay Act (gender based wage discrimination) or the Age Discrimination in Employment Act. Zappala Farms and its managers, officers and agents also agree not to retaliate against any individual who has participated in this matter in some way, given testimony in this matter, or asserted his or her rights under the laws listed above.

Zappala Farms agrees to provide training to all of its supervisors, managers and employees regarding their rights and responsibilities with respect to issues of workplace discrimination. Zappala Farms also agrees to maintain an anti-discrimination policy and to distribute that policy to all employees. Zappala Farms has also agreed to commit a total amount of \$20,000 to resolve this lawsuit.

If you have a complaint of discrimination or harassment, you may report it to Carmen Garcia or Heidi Smalling at 315-626-6671 at Zappala Farms. Should you have any complaints of discrimination, you may also call or write the:

Equal Employment Opportunity Commission
Buffalo Local Office
6 Fountain Plaza, Suite 350
Buffalo, NY 14202
Telephone: 1-800-669-4000 or 716-551-4441

THIS IS AN OFFICIAL NOTICE AND SHALL NOT BE DEFACED BY ANYONE

This notice must remain posted for three (3) years from the date of posting, until August 31, 2006.

Signed: _____
James Zappala, Owner of Zappala Farms

Dated: _____



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

EXHIBIT B-2

AVISO A LOS EMPLEADOS DE LAS GRANJAS DE ZAPPALA, LLC

Este aviso se está fijando conforme a un decreto de consentimiento inscrito en la resolución de un pleito traído por la Comisión de las Oportunidades Iguales ("EEOC") contra las Granjas de Zappala en Septiembre de 2002 en la Corte Federal del Distrito Norteño de Nueva York. En su pleito, EEOC alegó que las Granjas de Zappala discriminaron contra un empleado, Elias Mendoza, debido a su inhabilidad, una mano separada, cuándo disminuyó su pago y cuando lo terminó.

Las leyes federales prohíben a patrones de discriminar contra los aspirantes y los empleados basados en la inhabilidad de un empleado, la raza, el color, la religión, el sexo, el origen nacional o la edad.

Las Granjas de Zappala convienen que ni él ni sus encargados, oficiales, o agentes discriminarán contra cualquier individuo debido a la inhabilidad del individuo o otra base protegida bajo leyes federales de discriminación de empleo que incluyen bajo el Título VII (raza, color, religión, sexo o origen nacional), el Acto de la Igualdad de Salario (discriminación basada género del salario) o el Acto de la Discriminación de Edad en el Empleo. Las Granjas de Zappala y sus encargados, oficiales y agentes también asuerdan no tomar represalias contral el individuo que ha participado en esta materia de una cierta manera, dado testimonio en esta materia, o afirmado sus derechos bajo las leyes enumeradas arriba.

Las Granjas de Zappala acuerdan proporcionar entrenamiento a todos sus supervisores, encargados y empleados, tocante sus derechos y responsabilidades con respecto a aplicaciones de la discriminación en el lugar de trabajo. Las Granjas de Zappala también acuerdan mantener una política de la contra-discriminación y distribuir esa política a todo los empleados. Las Granjas de Zappala también han acordado confiar una cantidad total \$20,000 para resolver este pleito.

Si usted tiene una queja de la discriminación o del hostigamiento, usted puede divulgarla a Carmen Garcia o Heidi Smalling en (315)626-6671 en Zappala Cultiva. Si usted tiene cualquier queja de la discriminación, usted puede también llamar o escribir:

Equal Employment Opportunity Commission
Buffalo Local Office
6 Fountain Plaza, Suite 350
Buffalo, NY 14202
Telephone: 1-800-669-4000 or 716-551-4441

ESTE ES UN AVISO OFICIAL Y NO SERÁ DESFIGURADO POR CUALQUIER PERSONA

Este aviso debe seguir fijado por tres (3) años a partir de la fecha de la fijación, hasta de Augusto el 31 de 2006.

Signed: _____ Date: _____
James R. Zappala, Owner of Zappala Farms

EXHIBIT C-1

ZAPPALA FARMS, L.L.C.

ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND PROCEDURES

At Zappala Farms, L.L.C. the role of each employee is important to achieving our goal of a discrimination free work environment where all employees can contribute, we seek to:

- * Provide equal opportunity employment in all employment-related matters, including hiring, training, promotion, compensation, benefits, transfers and other personnel actions, without regard to race, religion, citizenship, color, sex, national origin, age, disability, marital status or veteran status or any other characteristic protected by federal, state or local law;
- * Encourage individual growth and participation throughout the organization and to provide opportunities to develop through training and advancement;
- * Provide for a safe and healthy working environment;
- * Keep employees informed of significant developments within the organization, particularly those which affect them directly;
- * Prohibit the harassment of or discrimination against any employee by a co-worker, supervisor, customer or other individual on the basis of sex, color, race, religion, disability, age, marital status, veteran's status or any other characteristic protected by law;
- * Encourage employees to report any perceived instance of harassment or discrimination or to request assistance or accommodation without fear of retaliation or reprisal;
- * Provide reasonable accommodation to enable otherwise qualified individuals with a disability to perform the essential functions of their jobs; and
- * Provide reasonable accommodation for applicants and employees religious beliefs and practices

ZAPPALA FARMS, L.L.C.

ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND PROCEDURES

It is the policy of Zappala Farms, L.L.C. that all employees should be able to enjoy a work environment free of discrimination and harassment.

Harassment includes display or circulation of written materials or pictures degrading to either gender or to racial, ethnic, or religious groups; and verbal abuse or insults, directed at or made in the presence of members of a racial, ethnic, or minority group.

Harassment also refers to behavior which is personally offense, impairs morale, and interferes with the work effectiveness of employees. Any unlawful harassment of employees by other employees or management will not be permitted, regardless of their working relationship.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other offensive verbal or physical conduct that is sexual in nature such as unwanted sexual comments, innuendos, suggestions or jokes. Sexual harassment undermines the employment relationship by creating an intimidating, hostile, or offensive work environment and will not be tolerated.

In fulfilling their obligation to maintain a positive and productive work environment, managers and supervisors are expected to immediately halt any harassment of which they become aware by emphasizing the company policy and, when necessary, by more direct disciplinary action.

COMPLAINT PROCEDURES

Individuals who believe they have been subjected to unlawful discrimination or harassment from either a coworker or a supervisor should, if possible, make it clear to the offender that such behavior is offensive to them and should immediately bring the matter to the attention of their crew leader or Heidi Smalling at the Zappala Farms, L.L.C. offices, 11404 Schuler Road, Cato, New York 13033, (315) 626-6671.

Individuals who wish to speak with management personnel other than their manager or supervisor should refer their complaint to James R. Zappala, 11404 Schuler Road, Cato, New York 13033, (315) 626-6671, who will make his independent inquiry or refer the individual to the proper management representative. All allegations of harassment will be immediately investigated. It is important for employees who feel that they have been harassed to report incidents to management and management will not retaliate against employees who make claims of discrimination or harassment or assist with such claims.

Anyone found to have engaged in any type of unlawful harassment shall be subject to discipline, up to and including discharge.

ZAPPALA FARMS, L.L.C.

ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND PROCEDURES

REASONABLE ACCOMMODATION FOR DISABLED EMPLOYEES

- Policy: Zappala Farms, L.L.C. is committed to employing all individuals on the basis of ability rather than disability, and complies with the Americans with Disabilities Act and applicable state and local laws prohibiting discrimination in employment against qualified individuals with disabilities. Zappala Farms, L.L.C. will endeavor to provide reasonable accommodations requested by all employees with documented disabilities who are otherwise able to perform the essential functions of their job.
- Procedures: Qualified individuals with disabilities may make requests for reasonable accommodation to their crew leader or Heidi Smalling. A reasonable accommodation may include any action which enables an individual with a disability to perform the essential functions of his or her position but which does not result in an undue hardship to the business or pose a threat to the health and safety of the employee or coworkers. Management will determine the feasibility of the required accommodation, considering various factors, including but not limited to, the nature and cost of the accommodation, the availability of outside resources, the overall financial resources, organization and the accommodation's impact on the operation of the business. Zappala Farms, L.L.C. will work with all employees and their supervisors in determining the most effective accommodations that can be reasonably provided on an individual basis.
- Zappala Farms, L.L.C. may require that the individual requesting the accommodation provide adequate medical certification and a job related functional assessment. It may, under certain circumstances, request and finance an independent medical examination. Also, in some instances, Zappala Farms, L.L.C. may not approve the accommodation requested by the employee but may provide an alternate accommodation.
- The employee will be informed of the decision on the accommodation request by their crew leader or Heidi Smalling. If the accommodation request is denied, the employee may appeal the facility's decision by contacting Mr. James Zappala, Managing Member of Zappala Farms, L.L.C. through the main office at 11404 Schuler Road, Cato, New York 13033, (315) 626-6671.

EXHIBIT C-2

GRANJAS DE ZAPPALA, L.L.C.

POLÍTICA Y PROCEDIMIENTOS DE LA CONTRA-DISCRIMINACIÓN Y DEL CONTRA-HOSTIGAMIENTO

En Zappala Cultiva, L.L.C. la parte de cada empleado es importante para la realización de nuestra meta de una ambiente sin discriminación en el trabajo donde todos los empleados pueden contribuir, nosotros buscamos:

- Proporcionar el empleo con oportunidad igual en todas las materias relativas al empleo, incluyendo emplear, entrenamiento, promoción, remuneración, ventajas, transferencias y otras acciones del personal, sin consideración hacia la raza, religión, ciudadanía, color, sexo, origen nacional, edad, inhabilidad, estado del matrimonial o del verano o cualquier otra característica protegidas por las leyes federal, del estado o local;
- Animar el crecimiento y la participación individuales durante la organización y proporcionar oportunidades para desarrollarse por medio del entrenamiento y de la promoción;
- Prevear un ambiente de trabajo seguro y sano;
- Mantener empleados informados de los progresos significativos dentro de la organización, particularmente ésos cuáles los afectan directamente;
- Prohibir el hostigamiento o la discriminación contra cualquier empleado por un compañero de trabajo, supervisor, cliente o otro individuo en base de sexo, color, raza, religión, inhabilidad, edad, estado, veterano o cualquier otra característica protegida por la ley;
- Animar los empleados que divulguen cualquier percibido caso de hostigamiento o discriminación o que soliciten ayuda o comodidad sin el miedo de la venganza o represalia;
- Proporcionar la comodidad razonable para permitir a individuos con una inhabilidad pero de otra manera cualificados realizar las funciones esenciales de sus trabajos; y
- Proporcionar la comodidad razonable para los aspirantes y la creencia y prácticas religiosas de los empleados

GRANJAS DE ZAPPALA, L.L.C.

POLÍTICA Y PROCEDIMIENTOS DE LA CONTRA-DISCRIMINACIÓN Y DEL CONTRA-HOSTIGAMIENTO

Es la política de las Granjas de Zappala, L.L.C/ que todos los empleados deben poder gozar de un ambiente del trabajo libre de la discriminación y del hostigamiento.

El hostigamiento incluye la exhibición o la circulación de los materiales o los cuadros escritos que degradan al género o a los grupos raciales, étnicos, o religiosos; y el abuso o los insultos verbales, dirigidos o hechos en la presencia de los miembros de un grupo racial, étnico, o de la minoría.

El hostigamiento también refiere al comportamiento que es personalmente ofensa, deteriora moral, y interfiere con la eficacia del trabajo de empleados. Ningún hostigamiento ilegal de los empleados hecho por los otros empleados o gerencia será permitido, sin importar su relación de funcionamiento.

El hostigamiento sexual incluye los avances sexuales incómodos, los pedidos de favores sexuales, y cualquier otra conducta verbal o física ofensiva que es sexual en carácter tal como comentarios, innuendos, sugerencias o bromas sexuales indeseadas. El hostigamiento sexual mina la relación del empleo creando un ambiente de trabajo que es intimidado, hostil, o ofensivo y no será tolerado.

En satisfacer su obligación de mantener un ambiente positivo y productivo del trabajo, se espera que los encargados y los supervisores paren inmediatamente cualquier hostigamiento de el cual se hagan saber por modo de acentuar la política de la compañía y, cuando sea necesario, con acción más disciplinaria directa.

PROCEDIMIENTOS DE LA QUEJA

Individuos que creen que han sido sujetado a la discriminación ilegal o al hostigamiento por un compañero de trabajo o un supervisor deben, si es posible, hacerlo claro al delincuente que tal comportamiento es ofensivo a ellos y deben traer inmediatamente la materia a la atención de su líder del equipo o Heidi Smalling en las Granjas de Zappala, oficinas de L.L.C., camino de 11404 Schuler, Cato, Nueva York 13033, (315)626-6671.

Individuos que desean hablar con personal de gerencia con excepción de su encargado o el supervisor deben referir su queja a James R. Zappala, camino de 11404 Schuler, Cato, Nueva York 13033, (315)626-6671, que hará su investigación independiente o referirá al individuo con el representante apropiado de la gerencia. Todas las alegaciones de hostigamiento serán investigadas inmediatamente. Es importante que los empleados que sienten que han sido hostigados divulguen las incidentes a la gerencia y la gerencia no tomará represalias contra los empleados que hacen demandas de la discriminación o del hostigamiento o asisten con tales demandas.

Cualquier persona encontrada haber enganchado en cualquier tipo de hostigamiento ilegal será conforme a disciplina, hasta y incluyendo la despedida.

GRANJAS DE ZAPPALA, L.L.C.

POLÍTICA Y PROCEDIMIENTOS DE LA CONTRA-DISCRIMINACIÓN Y DEL CONTRA-HOSTIGAMIENTO

COMODIDAD RAZONABLE PARA LOS EMPLEADOS INCAPACITADOS

Política:

Zappala Cultiva, L.L.C. está cometida emplear a todos los individuos en base de capacidad más bien que inhabilidad, y se conforma con el Acto de los Americanos con Inhabilidades y las leyes aplicables del estado y locales que prohíben la discriminación en el empleo contra individuos cualificados con inhabilidades. Zappala Cultiva, L.L.C. esforzará proveer comodidades razonables pedidas por todos los empleados con inhabilidades documentadas que pueden de otra manera realizar las funciones esenciales de su trabajo.

Procedimientos:

Los individuos cualificados con inhabilidades pueden pedir comodidades razonables a su líder del equipo o Heidi Smalling. Una comodidad razonable puede incluir cualquier acción que permite a un individuo con una inhabilidad realizar las funciones esenciales de su posición pero que no resulta en una dificultad indebida al negocio ni plantea una amenaza a la salud y a la seguridad del empleado o de los compañeros de trabajo. La gerencia determinará la viabilidad de la comodidad requerida, tomando en cuenta varios factores, incluyendo pero no limitados a, el género y el coste de la comodidad, la disponibilidad de recursos exteriores, los recursos financieros totales, la organización y el impacto de la comodidad en la operación del negocio. Las Granjas de Zappala, L.L.C. trabajarán con todos los empleados y sus supervisores en la determinación de las comodidades más eficaces que se pueden razonablemente proporcionar en una base individual.

Zappala Cultiva, L.L.C. puede requerir que el individuo que solicita la comodidad proporcione suficiente certificación médica y un examen funcional relacionado al trabajo. Puede, bajo ciertas circunstancias, peticionar y financiar una examinación médica independiente. También, en algunos casos, Zappala Cultiva, L.L.C. puede no aprobar la comodidad pedida por el empleado pero puede proporcionar una comodidad alterna.

El empleado será informado de la decisión sobre la petición de la comodidad por su líder del equipo o Heidi Smalling. Si se niega la petición de la comodidad, el empleado puede abrogar la decisión de la facilidad al ponerse en contacto con Sr. James Zappala el miembro de manejo, de Granjas de Zappala, L.L.C. por la oficina principal en el camino de 11404 Schuler, Cato, Nueva York 13033 (315)626-6671.